

Before the State of South Carolina
Department of Insurance

RECEIVED
GENERAL COUNSEL

FEB 7 2001

In the matter of:)
)
Phillip G. Rubin)
)
3 Gamecock Ave., Suite 306)
Charleston, South Carolina 29407)
_____)

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE
File Number 103923

Consent Order
Imposing Administrative Penalty

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Phillip G. Rubin, a licensed South Carolina resident insurance agent.

Rubin admits, and I hereby find as fact, that he was convicted and /or pled guilty in the United States District Court, Charleston Division, to a misdemeanor of failing to file a federal income tax return. This act is a crime involving moral turpitude and can ultimately lead to the revocation of Rubin's license to transact the business of insurance as an agent in South Carolina following a public hearing at the Administrative Law Division pursuant to S.C. Code Ann. § 38-43-130 (Supp. 2000).

Prior to initiation of any administrative proceedings by the Department against him, Rubin and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke Rubin's insurance agent's license, he would waive his right to a public hearing and immediately pay an administrative fine in the total amount of \$500.

Section 38-43-130 of the South Carolina Code provides that the Director of Insurance "may revoke...an [insurance] agent's license...when it appears that an [insurance] agent has been convicted of a crime involving of moral turpitude."

After a thorough review of the record, carefully considering the recommendations of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Rubin has been convicted and/or pled guilty to a crime involving moral turpitude in violation of S.C. Code Ann. §38-43-130 (Supp. 2000) and that I can now revoke his resident insurance agent's license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2000) I hereby impose against Rubin an administrative fine in the total amount of \$500. Rubin must pay the fine within ten days of the date of my signature upon this consent order. If he does not timely pay the total fine amount his resident insurance agent's license will be revoked without any further disciplinary proceedings.

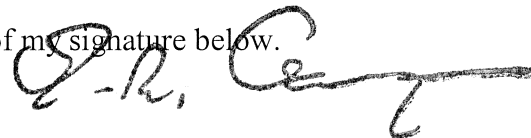
The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against Rubin on this issue before and of his assurance that in the future he will not act in any manner that would be in violation of the state's insurance laws. The parties expressly agree and understand that Rubin's payment of the agreed upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Rubin acknowledges that he understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. § 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 2000), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Phillip G. Rubin shall, within ten days of the date of my signature on this consent order, pay to the South Carolina Department of Insurance an administrative fine in the total amount of \$500.

It is further ordered that a copy of this order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Rubin is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

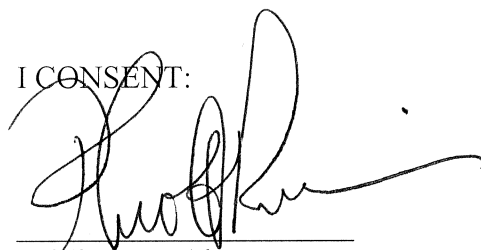
This order becomes effective as of the date of my signature below.



Ernst N. Csiszar
Director

Dated this 8th day ^{February} ~~January~~, 2001
Columbia, South Carolina

I CONSENT:



Phillip G. Rubin
3 Gamecock Ave., Suite 306
Charleston, South Carolina 29407

Dated this 31st day of January, 2001